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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,504	12/19/2001	Tetsuya Fujii	016907/1339	8509
22428	7590	04/21/2005	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			NGUYEN, VAN KIM T	
			ART UNIT	PAPER NUMBER
			2151	

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/954,359

Applicant(s)

BARTUSSEK ET AL.

Examiner

Glenford Madamba

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 09/12/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 10 is rejected under 35 U.S.C., second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention.

There is insufficient antecedent basis for the use of the phrase "the machine" in Claim 10. There is no prior reference or description given to "the machine" cited in the claim, and the scope is unclear.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 9-15, 18-24, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Sciacca, US Patent 6,760,761.

3. Claim 1 discloses a method comprising:

receiving input **260** [Figure 2], **410** [Figure 4] into a configuration device **110** [Figure 1];

configuring a first system according to a first input provided by a first user [Col 3, lines 43-48; Figure 3];

configuring a second system according to a second input provided by a second user (Col 3, lines 43-48; Figure 3);

and dynamically updating a first set of components in the first system and a second set of components in the second system using the configuration device (Col 6, lines 3-10), such that the configuration of the first system is maintained according to the first user input and the configuration of the second system is maintained according to the second user input (Col 6, lines 11-33 & Col 6, line 63 – Col 7, line 26).

Sciacca discloses a system and method for configuring multiple network devices **130** of different types, which is implemented by a configuration device manager **110**. The software components comprising the device manager, which includes a device configuration database **310**, are stored in memory 230 or storage device 250 which can be accessed by the device manager (Col 3, lines 21-34; Figure 3).

Claims 10 and 19 are also rejected for the same rationale cited above as the claims add no further limitations and differ from Claim 1 only by their statutory category.

4. Claim 2 asserts the method of claim 1, wherein a plurality of software instances may be run within each of the systems (Col 2, lines 31-38; Figure 1 and Col 3, line 66 – Col 4, line 4).

Claims 11 and 20 are also rejected for the same rationale cited above as the claims add no further limitations and differ from Claim 2 only by their statutory category.

5. Claim 3 cites the method of claim 1, wherein the systems and the software instances share a database (Figure 3).

Claims 12 and 21 are also rejected for the same rationale cited above as the claims add no further limitations and differ from Claim 3 only by their statutory category.

6. Claim 4 references the method of claim 3, wherein the database is used to determine a check of the systems to ensure that the systems and the software instances may be shared so as to provide consistent configuration of each system according to the user's preference (Col 5, lines 40-66).

Claims 13 and 22 are also rejected for the same rationale cited above as the claims add no further limitations and differ from Claim 4 only by their statutory category.

7. Claim 5 identifies the method of claim 1, wherein a security clearance is provided that allows the user to access an object within one of the systems if the user is approved for access (Col 4, lines 52-66; Figure 4).

Claims 14 and 23 are also rejected for the same rationale cited above as the claims add no further limitations and differ from Claim 5 only by their statutory category.

8. Claim 6 recites the method of claim 5, wherein a database is used to determine if the user is approved for access to the object (Col 4, lines 45-51; Figure 4).

Claims 15 and 24 are also rejected for the same rationale cited above as the claims add no further limitations and differ from Claim 6 only by their statutory category.

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9. Claim 9 points to the method of claim 1, wherein the configuration device allows the users to interactively refine the configuration of the systems (Col 3, lines 43-48; Col 4, lines 52-57; Col 5, line 65 – Col 6, line 2; Col 6, lines 11-33 & Col 6, line 63 – Col 7, line 26; and Col 7, lines 28-30, 13-16 and 35-44).

Claims 18 and 27 are also rejected for the same rationale cited above as the claims add no further limitations and differ from Claim 9 only by their statutory category.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7, 8, 16, 17, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sciacca in view of O'Connor et al (hereinafter O'Connor), U.S. Patent 6,865,436.

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3. Claim 7 states the method of claim 1, wherein the systems share a software instance that is provided by an application service provider (ASP) site.

In his invention, Sciacca discloses a method for facilitating configuration of multiple network devices **130** of different types, implemented by a device manager **110** having a device configuration database **310** (Abstract; Col 3, lines 21-34). He also discloses that the managed devices 130 may have different software configuration parameters requiring configuration and management, which is facilitated by the device manager 130 (Col 2, lines 31-38). The software applications provided may include programs that obtain or provide historical or current device configuration data, including applications that manage particular types of data, such as configuration, performance, fault, accounting, and security data (Col 3, line 66 – Col 4, line 4). Figures 1 and 3 show that the software applications inputted to the device configuration database 310 are provided to the managed devices. Sciacca also discloses that applications may access the input interface 410 via an application programming interface, such as CORBA (Col 4, line 66-Col 5, line 2). He does not expressly disclose, however, that an application service provider (ASP) site provides the software application(s) shared by the systems.

For his invention, O'Connor discloses a method and system for configuring a computing product via a wireless communication link (O'Connor: Col 1, lines 28-31). O'Connor also discloses that in configuring the computing products, customer

customization/configuration details are pulled and may include both hardware and software configuration information. The configuration details may include both hardware and software configuration information. The configuration information provided can include, for instance, driver information for the peripheral devices, operating system configuration data, configuration information for application software, or the application software. In most cases, the configuration information is determined by particular customers, and certain information may even come from a service provider of the customer such as an Internet service provider (ISP) or an application service provider (ASP) 9 (O'Connor: Col 3, line 63 – Col 4, line 8).

Thus, it would be obvious to a person of ordinary skill in the art at the time of the invention to combine the software provision feature of an ASP site detailed by O'Connor in order to configure multiple computing products according to customer configurations and preferences using software configuration methods (O'Connor: Col 2, lines 5-10).

Claims 16 and 25 are also rejected using the same reason discussed for Claim 7 as the claims add no further limitations are differentiated only by their statutory category.

4. Claim 8 cites. The method of claim 1, wherein the configuration device is provided by an application service provider (ASP) site.

In his invention, Sciacca discloses a method for facilitating configuration of multiple network devices **130** of different types, implemented by a device manager **110** having a device configuration database **310** (Abstract; Col 3, lines 21-34) as one of its software components. He also discloses that the software components comprising the device manager **110** may be read into memory **230** from another computer readable medium, such as a storage device, or from another device via a communication interface **280** (Col 3, lines 10-13; Figure 2). Sciacca further discloses that applications may access the input interface **410** via an application programming interface, such as CORBA (Col 4, line 66-Col 5, line 2). Sciacca does not expressly disclose, however, that an application service provider (ASP) site provides the configuration device itself or the software components that comprise the device.

Claims 8, 17, and 26 are rejected using the same justifications provided for Claim 7 above as the claims add no further limitations are differentiated only by their statutory category.

Conclusion

1. The Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific

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limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Hansen, Patent No. 5,838,907
Configuration Manager for Network Devices and an Associated Method for Providing Configuration Information Thereto
- Moyer, Patent No. 6,766,364
Template Based Configuration and Validation of a Network for Enabling a Requested Service to be Compatible with the Previously Enabled Services
- Lewis et al, Patent No. 6,243,747
Method and Apparatus for Defining and Enforcing Policies for Configuration management in Communication Networks
- Lichtman et al, Patent No. 5,787,246
System for Configuring Devices for a Computer System

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenford Madamba whose telephone number is 571-272-7989. The examiner can normally be reached on M-F 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3932. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Glenford Madamba
Examiner
Art Unit 2151


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER